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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,940	07/11/2003	Ronald Ray Catt		8881

7590 04/19/2005

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EXAMINER
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PEDDER, DENNIS H

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 04/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/620,940

Applicant(s)

CATT ET AL.

Examiner

Dennis H. Pedder

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 32. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the axle and beverage dispenser of claims 1, 22, and the details of claims 5, 8, 11, 13, 14, 15, 20, 21, 25, 27, 29-31, 36-37, 39, 41, 43-45, 49-50 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure

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must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: claims 45,30, 14.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-50 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims to "adapted for" and "adapted" are vague as they imply structure not specifically recited. Recitation of the function alone will, in most cases, solve this ambiguity as in --for--. See also the equally ambiguous "is designed to be" in claim 4.

Claim 17 lacks antecedent for "said electrical means".

Note that claim 22 has an incorrect period after "refrigeration", rendering the claim in multiple sentence structure.

Claim 33 is incorrect as the wheel nose assembly does not receive the towing bar.

Claim 46 lacks antecedent to "electrical means", see battery in claim 38.

Claims to at least one seat member mounted on both side and rear wall members are illogical. One seat cannot, as best understood, be mounted to several walls.

Extensive changes of these types appear necessary if applicant is to continue prosecution in view of the references cited below.

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 1-5, 9-11, 16, 18-21, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kappos in view of Jagsch and Robinson or Poarch et al. in view of Robinson.

Kappos has the mobile bar on a trailer frame of conventional construction with axle, tongue, compartment with front, rear and side walls, generally flat counter top 26/28, and beverage dispensing system. Kappos lacks a telescopic canopy providing both shade and cover when retracted, a detail known in this art as evidenced by the patent to Jagsch at 40. Kappos also lacks a seat member mounted to one of the rear and side wall members, a detail known in this art as evidenced by the patent to Poarch et al. with a socket mounted seat or Robinson with a pivotally mounted seat, with the wall being an obvious location to mount the seat in the former in view of the teaching of wall mounting in Robinson. It would have been obvious to one of ordinary skill to provide in Kappos a telescopic cover as taught by Jagsch in order to provide both shade and cover, keeping the counter clean, as well as seating as taught by either Poarch et al. or Poarch et al. in view of Robinson for the convenience of the consumer.

As to claim 4, Robinson stores the seat within and it would be obvious to so store the seat of Poarch et al. in view of this teaching.

Claims 5, 9-11, 18-21 are common knowledge in the art, obvious to use here for their known utility.

Applicant may seasonally challenge, for the official record in this application, this and any other statement of judicial notice in timely manner in response to this office action. Please specify the

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exact statement to be challenged. Applicant is reminded, with respect to the specific challenge put forth, of the duty of disclosure under Rule 56 to disclose material which is pertinent to patentability including claim rejections challenged by applicant.

9. Claims 6-8, 22-27, 34-41, 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kappos in view of Jagsch and Robinson as applied to claim 1 above, and further in view of Cheeseman.

Paragraph 8 above is incorporated by reference. It would have been obvious to one of ordinary skill to provide in the references above an electrical hookup 33 to the mobile cart as taught by Cheeseman in order to power electrical accessories.

Claims 23-27, 34-41, 47-50 are common knowledge in the art, obvious to use for their known utility.

10. Claims 12-13, 15, 28,29,31, 42,43,25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kappos in view of Jagsch and Robinson or Poarch et al. in view of Robinson as applied to claim 1 above, or Kappos in view of Jagsch and Robinson in view of Cheeseman as applied to claim 22 and further in view of Conklin et al.

It would have been obvious to one of ordinary skill to provide in either a trailer or a beverage cart a railing at rear wall, serving as both bumper and inherently foot support, as taught by Conklin et al. at 10. The purpose is self evident: to protect the mobile appliance with the added benefit of allowing foot support.

As to claim 13, bumpers are removable in the reverse of assembly.

11. Claims 14, 30, 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kappos in view of Jagsch and Robinson or Poarch et al. in view of Robinson as applied to claim 1

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above, or Kappos in view of Jagsch and Robinson in view of Cheeseman as applied to claim 22 and further in view of Conklin et al. and McIntosh.

It would have been obvious to one of ordinary skill to provide in the combinations above a retractable bumper as taught by McIntosh at 38 in order to remove same when not needed as taught by McIntosh.

12. Claims 17, 32, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kappos in view of Jagsch and Robinson or Poarch et al. in view of Robinson as applied to claim 1 above, or Kappos in view of Jagsch and Robinson in view of Cheeseman as applied to claim 22, or this combination further in view of Conklin et al as applied to claim 42, all in view of Boyd et al.

It would have been obvious to one of ordinary skill to provide in the combinations of references above lights on a canopy for a dispensing vehicle as taught by Boyd et al. at 52,54 in order to serve customers at night.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (571) 272-6667.

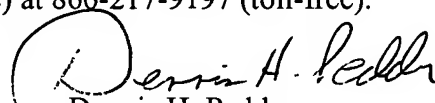
The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dennis H. Pedder  
Primary Examiner  
Art Unit 3612

4/15/05

DHP

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